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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/743,517 | 12/22/2003 | Todd Coons | EH-10851 | 8178 |

30188 7590 06/22/2004

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EXAMINER

EVANS, GEOFFREY S

| | |
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| ART UNIT | PAPER NUMBER |
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1725

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,517

Applicant(s)

COONS ET AL.

Examiner

Geoffrey S Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1 on line 3 it is unclear what relationship exists between "the body" and the other elements of claim 1 (inlet aperture, exit aperture, and raceway) since none is stated in claim 1. In claim 2 it is unclear what relationship exists between "a face" and the elements recited in claim 1. respectfully suggest in claim 2 on line 2 changing "a face" to "the body having a face..." to obviate this rejection. In claim 4 it is unclear what element has a "locating feature".

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3,7,8 are rejected under 35 U.S.C. 102(b) as being anticipated by Dudden in U.S. Patent No. 3,995,134. Dudden discloses a body (element 15), with an inlet and outlet aperture for passing an electrode (element 21), and a raceway (element 16) that has a cross sectional area and is nonlinear (see end 20). Regarding claim 2, the body (element 15) has a face that substantially conforms to the longitudinal passages (element 11) in the workpiece (element 10). Regarding claims 7 and 8, see the method steps disclosed in column 1, line 67 to column 2, line 50).

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudden in U.S. Patent No. 3,995,134 in view of Matsumoto et al. in U.S. Patent No. 5,687,205. Matsumoto et al. teaches using a locating feature (e.g. a locating dowel; see column 3, lines 8-17) to ensure the drilling apparatus is in proper position with respect to the workpiece. It would have been obvious to adapt Dudden in view of Matsumoto et al. to provide this to drill the workpiece in the proper location. Dudden discloses a raceway (element 16) with a circular cross-section

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dudden in view of Matsumoto et al. as applied to claim 5 above, and further in view of

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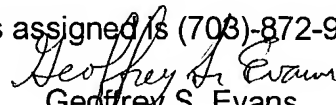
Abdukarimov et al. in U.S. Patent No. 4,721,838. Dudden discloses insulation (element 17), but does not disclose that it is specifically a coating. Abdukarimov et al. teaches using an insulation coating (element 12; see column 6, lines 50-55). It would have been obvious to adapt Dudden in view of Matsumoto et al. and Abdukarimov et al. to provide this to minimize the amount of insulation needed to accurately drill deep holes.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bartok in U.S. Patent No. 6,225,589 discloses a nonlinear raceway. Baba et al. in Japan Patent No. 2-116,428 discloses in figure 2 guiding two electrodes in a non-linear manner. Varsell et al. in U.S. Patent No. 6,627,833 discloses a fixture for locating a workpiece.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (571)-272-1174. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571)-272-1171. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306.

GSE


Geoffrey S. Evans
Primary Examiner
Group 1700